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BEFORE THE ARIZONA CORPORATION COMMISSION

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JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
BEAVER DAM WATER COMPANY FOR
DELETION OF A PORTION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY IN MOHAVE COUNTY, ARIZONA.

DOCKET NO. W-03067A-04-0216

IN THE MATTER OF THE APPLICATION OF
SUNRISE UTILITIES, L.L.C. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER AND
WASTEWATER SERVICE IN MOHAVE
COUNTY, ARIZONA.

DOCKET NO. WS-04247A-04-0604

PROCEDURAL ORDER

BY THE COMMISSION:

On March 23, 2004, Beaver Dam Water Company ("BDWC") filed with the Arizona Corporation Commission ("Commission") an application requesting the deletion of a small portion of its certificated service area in Mohave County, Arizona. Concurrently with BDWC's filing, Sunrise Utilities, L.L.C. ("Sunrise") filed an application for a Certificate of Convenience and Necessity ("Certificate") with the Commission to provide public water and wastewater utility service to various parts of Mohave County, Arizona, in Docket No. WS-04247A-04-0217 which included the area which BDWC had requested be deleted in its application

On July 16, 2004, the Commission issued Decision No. 67122, an Administrative Closure, due to deficiencies in Sunrise's application in Docket No. WS-04247A-04-0217.

On August 17, 2004, Sunrise filed a second application for a Certificate with the Commission to provide public water and wastewater utility service to various parts of Mohave County, Arizona, which included the area included in BDWC's application for deletion. The second Sunrise application was assigned Docket No. WS-04247A-04-0604 in this proceeding.

On September 15, 2004, the Commission's Utilities Division ("Staff") issued a notice of

1 deficiency to Sunrise that its second application for a Certificate had not met the sufficiency
2 requirements of A.A.C. R14-2-411(C).

3 On January 18, 2005, Staff issued a notice that Sunrise's second application had met the
4 sufficiency requirements of A.A.C. R14-2-411(C).

5 On January 21, 2005, pursuant to A.A.C. R14-3-101, the Commission issued a Procedural
6 Order which scheduled a hearing on Sunrise's second application on April 26, 2005. However, at
7 that time, no action was taken on BDWC's application for a deletion.

8 On April 20, 2005, BDWC and Sunrise each filed a Motion to Consolidate the above-
9 captioned proceedings. Staff did not oppose the consolidation.

10 On April 26, 2005, a full public hearing was held before a duly authorized Administrative
11 Law Judge of the Commission at its offices in Phoenix, Arizona. Applicant and Staff were present
12 with counsel. BDWC did not enter an appearance. Absent any objections, it was determined that the
13 above-captioned proceedings should be consolidated for purposes of hearing. However, because it
14 became apparent that BDWC had not provided public notice of its application for a deletion, it
15 became necessary to hold the record open while notice was given. The record was held open for an
16 additional 30 days after the date public notice was given to property owners in the area sought to be
17 deleted by BDWC to provide time for Staff to review whether any objections were made to the
18 application by BDWC. After these matters were addressed, the case was taken under advisement
19 pending submission of a Recommended Opinion and Order to the Commission.

20 On April 29, 2005, by Procedural Order, the proceeding was consolidated for purposes of
21 hearing and BDWC and Sunrise were ordered to provide public notice in a form approved by Staff of
22 the application for a deletion of a portion of BDWC's Certificate. It was further ordered that the time
23 frame be suspended for a period of 30 days after certification of said notification was provided to
24 permit Staff to review if any objections were filed to the proposed deletion by BDWC.

25 As of June 2, 2005, certification of notice had not been filed and upon further review of the
26 proceedings, Sunrise had not yet late-filed an exhibit in the form of an additional request for service
27 for a 40 acre parcel to be included in the area for which it is seeking a Certificate as agreed during the
28 hearing.

1 On June 3, 2005, the Commission, by Procedural Order, ordered the following: that Sunrise
2 and/or BDWC provide public notice of the application for deletion by BDWC and file certification of
3 same; that Sunrise file a late-filed exhibit consisting of requests for water and wastewater service
4 together with the respective legal descriptions for the requested areas; that upon Sunrise filing the
5 aforementioned late-filed exhibit, Staff review same and file verification that the requested areas for
6 service correlate with the respective legal descriptions; and that the time frame be suspended until
7 further Order.

8 Subsequent to the Commission's June 3, 2005, Procedural Order, Sunrise filed certification
9 that public notice of BDWC's application for a deletion had been mailed to all property owners in the
10 area sought to be deleted by BDWC. In response thereto, no protests have been received by the
11 Commission.

12 On June 24 and July 8, 2005, Sunrise, through a late-filed exhibit, provided copies of all
13 requests for water and wastewater service together with the respective legal descriptions for the
14 respective areas for which service had been requested.

15 On July 14, 2005, by Procedural Order, Staff was ordered to review and verify not later than
16 July 29, 2005, that Sunrise had filed copies of requests for water and wastewater service which
17 correlated with the recently filed legal descriptions and were included in the area sought to be
18 certificated in the Sunrise application.

19 On July 29, 2005, Staff filed a memorandum confirming that it had reviewed and verified the
20 requests for service with the legal descriptions of the respective parcels, but further indicated that
21 Sunrise was requesting certain parcels be certificated for which it had not received requests for
22 service and were included in an exhibit during the proceeding.

23 On September 2, 2005, counsel for Sunrise filed a revised exhibit which included four
24 additional parcels owned by two property owners and corrected the amount of acreage owned by
25 another property owner.

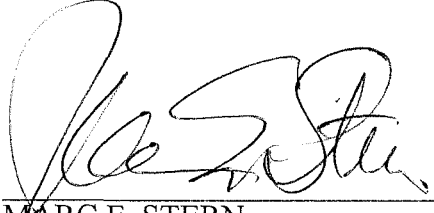
26 Accordingly, Staff should review and verify with a second filing in this Docket that the legal
27 descriptions represent those parcels which are actually requesting service and their relationship to the
28 areas sought to be certificated by Sunrise in this proceeding.

1 IT IS THEREFORE ORDERED that Staff shall review the late-filed exhibit dated September
2 2, 2005, by Sunrise Utilities, LLC and shall file verification that the requests for water and
3 wastewater of service correlate with the most recently filed legal descriptions and fall within the areas
4 sought to be certificated herein.

5 IT IS FURTHER ORDERED that Staff shall file its verification not later than September 21,
6 2005.

7 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
8 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
9 ruling at hearing.

10 DATED this 6th day of September, 2005


MARC E. STERN
ADMINISTRATIVE LAW JUDGE


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14 Copies of the foregoing mailed/delivered
this 6 day of September, 2005 to:

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By: 
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Secretary to Marc Stern